HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 2898 of 2003

Dated 25.07.2007

Between:

D.Maddaiah and others.

…Petitioners

and

The State of A.P. and others.

…Respondents

HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.2898 of 2003

O R D E R:

Petitioners are the owners of three wheeler auto rickshaws. They assail the action of the respondents in prohibiting the plying of the vehicles on National Highway No.7. The petitioners contend that the permits issued by the authority concerned, enables them to ply the vehicles, without any restriction, and the action taken by the respondents cannot be sustained in law.

On behalf of the respondents, a counter affidavit is filed. It is stated that the second respondent issued a Memo, dated 29.01.2003, prohibiting the three seater and seven seater autos from plying on National Highways, to avoid traffic congestion and accidents. It is also stated that the petitioners are not prohibited from plying the vehicles within the municipal limits.

Heard the learned counsel for the petitioners and the learned Government Pleader for Transport.

The permits issued to the petitioners clearly contain a condition that they shall be entitled to ply the vehicles in the State of A.P., except on the

routes, which are prohibited for them. Having regard to the nature, capacity and utility of the auto rickshaws, the respondents issued the Memo, prohibiting the plying of such vehicles on the National Highways. Exception is carved out as regards the limits of municipal corporations, municipalities and gram panchayats. The petitioners have not challenged the Memo. Further, the restriction imposed in the Memo cannot be said to be unreasonable.

While admitting the writ petition on 01.04.2003, this Court permitted the petitioners to ply their vehicles in the limits of municipal corporations, municipalities and gram panchayats, as the case may be. The prohibition for plying the vehicles on the National Highways, outside the said limits, still operates.

Therefore, the writ petition is disposed of, directing that it shall be open to the petitioners to ply the vehicles under a valid permit, within the limits of municipal corporations, municipalities and gram panchayats, as the case may be, and they shall not be entitled to ply the same on National Highways, outside the said limits. There shall be no order as to costs.

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25.07.2007

JSU